

In re Patent Application of  
**BARDWELL**  
Serial No. 10/081,870  
Filed: **FEBRUARY 22, 2002**

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**REMARKS**

Applicant thanks the Examiner for the careful and thorough examination of the present application. By this amendment, Claims 1, 10, 15, 21 and 24 have been amended to include features of respective dependent Claims 5, 12, 18, 24 and 31 which are now canceled. Claims 1-4, 6-11, 13-17, 19-23, 25-30 and 32-35 remain pending in the application. Favorable reconsideration is respectfully requested.

**I. The Invention**

As shown in FIGS. 1-6, for example, the invention is directed to a method, device and system for storing biometric information on a token having a magnetic storage medium. The invention includes capturing a biometric image and generating therefrom digital pixel data for an array of image pixels, and selecting a plurality of spaced apart sets of image pixels from the array of image pixels. Each set of image pixels includes a series of consecutive and colinear image pixels. Also, the invention includes processing respective sets of digital data for the selected spaced apart sets of image pixels to produce biometric data, and storing the biometric data on the magnetic storage medium of the token.

**II. The Claims are Patentable**

Claims 1-35 were rejected in view of Gagne et al. (U.S. Patent No. 6,212,290) or in view of Abtahi et al. (U.S. Patent No. 5,509,083) taken individually or in further view of Lu et al. (U.S. Patent No. 5,432,864) for the reasons set forth on pages 3-15 of the Office Action. As mentioned above, Claims 1, 10, 15, 21 and 24 have been amended to include features of respective dependent Claims 5, 12, 18, 24 and 31 which are now canceled. Applicant contends that Claims 1-4, 6-

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11, 13-17, 19-23, 25-30 and 32-35 clearly define over the cited references, and in view of the following remarks, favorable reconsideration of the rejections under 35 U.S.C. §102 and §103 is requested.

Each of the independent claims includes biometric data comprising selected spaced apart sets of image pixels from an array of image pixels of an enrollment biometric image, and each set of image pixels comprising a series of consecutive and colinear image pixels. This combination of features is not fairly taught or suggested in the cited references and patentably defines over the cited references.

The Examiner has relied on the Gagne et al. and Abtahi et al. patents as allegedly disclosing selected spaced apart sets of image pixels from an array of image pixels of an enrollment biometric image, and each set of image pixels comprising a series of consecutive and colinear image pixels.

The Gagne et al. invention relates to a system and methods for verifying a person's identity, and pertains in particular to such a system and methods which utilize comparison of a fingerprint pattern for identification verification. The image of a fingerprint of a person to be identified is provided on an inkless means which when touched by a finger of the person causes immediate development of an image of the fingerprint of the finger in a black and white appearance. This image of a fingerprint is video scanned to produce image data which is digitized to produce a non-minutiae digitized numerical identifier indicative of the fingerprint. A preferred method and system provides a non-minutiae digitized numerical identifier having 24 bytes of fingerprint identification data which is recordable within the magnetic stripe of a credit card personal to a person, or may be recorded within the confines of a portable personnel

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identification means, or within a smart card, personal to a person.

The Abtahi et al. patent is directed to a magnetic strip card based fingerprint verification system that utilizes a standardized fingerprint feature template library for identification purposes. The system verifies that the card user is the card owner by matching the image of the card holder's fingerprint to the unique code which has been assigned to the card owner and encoded on the card's magnetic strip and then verifying this information with records at a remote location. Referring to Fig. 1 of Abtahi et al., retrieved feature parameters 134 and other information read off the card's magnetic strip 44 and 62 are transmitted via the data communications interface 80 to a remote system to validate the name, account number and the matching fingerprint record, which are stored as a file for the card owner in the remote system database.

The Lu et al. patent discloses an apparatus and method for verifying the identity of a person by comparing that person's face (or selected facial features) with an image generated using data stored on an identification card, badge, tag or other escort memory carried by the person. Both automatic and manual verification apparatus are disclosed, and both employ principal component methods that reduce the amount of data required to be carried by the bearer to under 100 bytes. The process of verifying identity involves combining data from the small escort memory with other image-related data that are general in nature and that are stored at the verification location.

The Examiner has mischaracterized the primary references to Gagne et al. and Abtahi et al. as neither of these references teaches the use of spaced apart sets of image

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pixels from the array with each set being a series of consecutive and colinear image pixels and processed to produce the biometric data. Indeed, in the Gagne et al. patent, the Examiner specifically relied upon FIG. 10b as allegedly showing this feature. However, a careful review of FIG. 10b of Gagne et al. reveals only the array of image pixels. There is no selection of spaced apart sets of consecutive and colinear image pixels of the array that are processed to produce the biometric data, as claimed.

Similarly, in the Abtahi et al. patent at column 6, lines 40-44, it is merely taught that a pixel array is used. Again, there is no selection of spaced apart sets of consecutive and colinear image pixels of the array that are processed to produce the biometric data, as claimed.

As the Examiner is aware, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim.

The Lu et al. patent does not make up for any of the deficiencies of the primary references as discussed above.

There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. Accordingly, for at least the reasons given above, Applicant maintains that the cited references do not disclose or fairly suggest the invention as set forth in Claims 1, 10, 15, 21 and 29. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. Thus, the rejections under 35 U.S.C. §102 and §103 should be withdrawn.

It is submitted that the independent claims are patentable over the prior art. In view of the patentability

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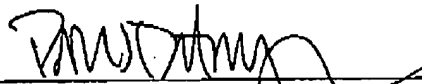
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It is submitted that the independent claims are patentable over the prior art. In view of the patentability of the independent claims, it is submitted that their dependent claims, which recite yet further distinguishing features are also patentable over the cited references for at least the reasons set forth above. Accordingly, these dependent claims require no further discussion herein.

### III. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. An early notice thereof is earnestly solicited. If, after reviewing this Response, there are any remaining informalities which need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone to resolve such informalities.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has  
been forwarded via facsimile number 571-273-8300 to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450 this 11<sup>th</sup> day of April, 2006.